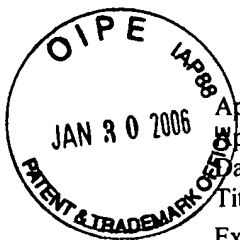


IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Barry N. Gellman
 Application No.: 10/757,159
 Date Filed: 01/14/2004
 Title: Shear-Sensitive Injectable Delivery System
 Examiner: Unassigned
 Group Art: 3763
 Confirmation No.: 3539
 Docket: BSC-124D1

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

MAIL STOP AMENDMENT

Commissioner For Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. ☐ A legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. ☒ Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

<u>U.S. Serial Number</u>	<u>U.S. Filing Date</u>
09/487,436 (now patent No. 6,699,214 B2)	01/19/2000 (patent issued 03/02/2004)

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. ☒ Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

III. ☐ CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
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FEES

- IV. ☒ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b):** (check one box)
- a. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
 - b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
 - c. ☒ before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
 - d. ☐ before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- V. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c):** (check one box)
- before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (See 37 C.F.R. §1.97(c)).
- a. ☐ No statement; therefore, charge deposit account 50-1047 the fee set forth in 37 C.F.R. §1.17(p).
 - b. ☐ See the statement below. No fee is required.
- VI. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):**
- on or before payment of the issue fee and is accompanied by the following:
- 1) a statement under 37 C.F.R. §1.97(e) as provided below; and
 - 2) charge deposit account 50-1047 the petition fee set forth in §1.17(p).
- VII. ☐ **STATEMENT UNDER 37 C.F.R. §1.97(e)** (check only one box, if applicable)
- The undersigned hereby states that
- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
 - b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
 - c. ☐ some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.
- VIII. **PAYMENT OF FEES**
- ☐ A check in the amount of _____ is enclosed for the above-identified fee(s).
 - ☐ Please charge Deposit Account No. 50-1047 in the amount of \$180.00 for the above-indicated fee(s).
 - ☒ If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.
 - ☐ Two Copies of this paper are attached for Deposit Account charges and debits.

It is Applicant(s)'opinion that the claims presently on file patently distinguish the present invention from each of these references. The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,
Mayer & Williams, PC



Keum J. Park
Attorney for Applicant
Reg. No. 42,059
Tel. 908-518-7700

Mayer & Williams, PC
Customer Number 27774

Enclosures: ☒ PTO/SB/08
☐ References (US references omitted)
☐ Search Report
☐ Other:

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail under 37 CFR 1.8 in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

1/26/06.

Danielle R. Lundy

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(Signature)

Please type a plus sign (+) inside this box. 

Substitute for form 1449A/PTO

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT BY
APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/757,159
Filing Date	01/14/2004
First Named Inventor	Barry N. Gellman
Group Art Unit	3763
Examiner Name	Unassigned
Attorney Docket Number	BSC-124D1

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Issue Date MM-DD-YYYY
		Number	Class/Subclass		
	1.	346,265	222/241	Charlton, et al.	07/1886
	2.	2,825,134	32/17	Hicks	03/1958
	3.	2,888,923	128/218	Reis	06/1959
	4.	3,602,950	18/12	Bielfeldt	09/1971
	5.	3,732,858	600/566	Banko	05/1973
	6.	3,779,383	210/84	Ayres	12/1973
	7.	3,788,003	47/56	Creighton, et al.	01/1974
	8.	4,006,736	128/2	Kranys, et al.	02/1977
	9.	4,074,362	366/82	Kruder, et al.	02/1978
	10.	4,202,635	366/162.3	Hendrickson	05/1980
	11.	4,243,080	141/2	Choksi, et al.	01/1981
	12.	4,285,600	366/89	Kruder	08/1981
	13.	4,542,176	524/543	Graham	09/1985
	14.	4,649,919	606/80	Thimsen, et al.	03/1987
	15.	4,803,075	424/423	Wallace, et al.	02/1989
	16.	4,929,238	604/208	Baum	05/1990
	17.	5,071,040	222/235	Laptewicz, Jr.	12/1991
	18.	5,089,606	536/54	Cole, et al.	02/1992
	19.	5,104,380	604/117	Holman, et al.	04/1992
	20.	5,259,749	425/205	Meixner, et al.	11/1993
	21.	5,322,511	604/155	Armbruster, et al.	06/1994
	22.	5,360,410	604/232	Wacks	11/1994
	23.	5,383,884	606/170	Summers	01/1995
	24.	5,395,326	604/90	Haber, et al.	03/1995
	25.	5,397,180	366/338	Miller	03/1995
	26.	5,423,799	606/159	Shiu	06/1995
	27.	5,458,475	425/208	Suomen	10/1995
	28.	5,489,266	604/89	Grimard	02/1996
	29.	5,647,851	604/131	Pokras	07/1997
	30.	5,653,692	604/113	Masterson, et al.	08/1997
	31.	5,658,261	604/240	Neer, et al.	08/1997
	32.	5,674,195	604/87	Truthan	10/1997
	33.	5,676,545	433/165	Jones	10/1997
	34.	5,724,994	128/885	Simon, et al.	03/1998

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹²Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			<i>Complete if Known</i>		
			Application Number	10/757,159	
			Filing Date	01/14/2004	
			First Named Inventor	Barry N. Gellman	
			Group Art Unit	3763	
Sheet	2	of	2	Examiner Name	Unassigned
				Attorney Docket Number	BSC-124D1

	35.	5,770,141	264/311	Schulte, et al.	06/1998
	36.	5,842,782	366/85	Lau	12/1998
	37.	5,865,798	604/89	Grimard, et al.	02/1999
	38.	5,899,881	604/89	Grimard, et al.	05/1999
	39.	6,033,105	366/182.3	Barker, et al.	03/2000

Examiner Initials*	Cite No. ¹	U.S. Patent Publication		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Class/Subclass		

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T
		Office ³	Number	Class/ Subclass			
	1.	DE	545 878			02/1932	
	2.	DE	33 17 536			11/1984	
	3.	FR	2 572 677			05/1986	
	4.	WO	94 15660			07/1994	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²

Examiner Signature		Date Considered	
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